

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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**THOMAS E. PEREZ**, Secretary of Labor, : Case No. 5:14-cv-00490  
U.S. Department of Labor, :  
Plaintiff/Petitioner, : Judge Pearson  
v. : Magistrate Judge Limbert  
: :  
**GARY HARRIS**, :  
: :  
Defendant/Respondent. :  
: :  
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**NOTICE/RESPONSE TO ORDER TO SHOW CAUSE**

Now comes Plaintiff Thomas E. Perez, Secretary of Labor, United States Department of Labor (the “Secretary”), by counsel, and respectfully submits the following response to the Court’s Order to Show Cause (“Order”) [Doc. 80], dated December 14, 2015.

1. The Order required the Secretary to serve a copy of his Motion for Contempt [Doc. 79] on Mr. Harris by December 21, 2015.
2. In response to the Court’s Order, Plaintiff sent an investigator to 440 High Street, Fairview Park, which is where Mr. Harris testified that he lived, when he was deposed in May 2015. [Doc. 57-7, p. 4]. Mr. Harris testified that the building in question is owned by his daughter or her limited liability company. [Doc. 57-7, p. 4].
3. The investigator spoke to a tenant at the 440 High Street address and was advised that Mr. Harris does not live at the address.
4. Undersigned counsel sought the assistance of Mr. Harris’ counsel, Mr. Christie, to either learn Mr. Harris’ new address or to otherwise make arrangements for Mr. Harris to be

served. On December 21, 2015 (today), Mr. Christie provided the following address for Mr. Harris: P.O. Box 2032, Painesville, OH 44077. Undersigned counsel is attempting to serve Mr. Harris at that address by certified mail and will promptly file proof of service upon receipt.

5. Undersigned counsel has also received information from Mr. Christie indicating that Mr. Harris mailed his December 1 payment to the Secretary on December 16, although the Secretary has not yet received that payment. If the payment is received prior to December 23, 2015, the Secretary will advise the Court, as contemplated by the Order. [Doc. 80] ("If the Court is informed by 4:00 p.m. on Wednesday, December 23, 2015 that the December 1, 2015 payment has been satisfied, the hearing may be cancelled.").

Respectfully submitted,

Dated: December 21, 2015

/s/ Matthew M. Scheff  
MATTHEW M. SCHEFF (0082229)  
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SANDRA B. KRAMER  
Counsel for Wage Hour

**CERTIFICATE OF SERVICE**

I certify that on December 21, 2015, a copy of the foregoing Plaintiff's *Notice/Response to Order to Show Cause* was filed with the clerk via the ECF system, which will cause service to be performed on all registered parties.

/s/ Matthew M. Scheff  
MATTHEW M. SCHEFF (0082229)